

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ALVION PROPERTIES, INC.)	Chapter 11
)	
Debtor.)	CASE NO. 15-40462
)	

MOTION TO DISMISS CHAPTER 11 CASE

NOW COMES the Debtor, by its attorney, Douglas A. Antonik, and states the following in support of this Motion.

1. Debtor filed a voluntary Chapter 11 bankruptcy petition on May 14, 2015.
2. During the administration of the Chapter 11 case, the Debtor filed a Motion to Sell a majority of its real estate on November 20, 2015.
3. An Order authorizing the sale of its real estate pursuant to Bankruptcy Code §363 was entered on December 15, 2015 which realized \$6,021,270.00 to the Debtor.
4. Of that amount, and at closing, secured liens were paid to the following entities:
 - a. Farmers State Bank of Alto Pass received the sum of \$1,705,325.46;
 - b. George Howard and SWRR Properties, Inc. received the sum of \$2,000,000.00;

- c. Coffman Law Group, as attorney and agent for judgment lien creditors Berkeley Law and Technology Group, LLP, DuretteCrump, PLC, The Creekmore Law Firm, PC and Richard L. Coffman, PC received the sum of \$779,039.10.

5. The disbursing agent appointed in this Chapter 11 case, Robert E. Eggmann, received the sum of \$1,537,355.44.

6. The payment of the above referenced amounts in paragraph 4 to the entities listed above resulted in a payoff of all claims of those entities and payment in full, of all creditors filing a proof of claim.

7. Of the remaining claims listed in the Bankruptcy Schedules as not being unliquidated, disputed or contingent are as follows:

- a. Dana Petway-\$10,000.00;
- b. David Cox-\$10,000.00;
- c. Robinson Smith and Wells-\$10,203.25;
- d. Day and Blair PC-\$8,814.17;
- e. The Nolte Law Firm PC-\$320.82.

8. The total amount of the above allowed claims to be paid in this bankruptcy are \$39,338.24.

9. Debtor has filed objections to informal claims made by Case Coal, LLC and Don Rishell/Pegula Rishell, LLC. Debtor believes all evidence supports its position that both entities do not have a valid claim.

10. There remains due and owing a Chapter 11 quarterly fee to the United States Trustee for the fourth quarter, 2015 in the amount of \$10,400.00 and an amount due from the first quarter, 2016 dependent upon the disbursements of the Debtor but at a minimum of \$325.00.

11. There will be due and owing additional professional fees, subject to Bankruptcy Court approval, to professionals retained in this bankruptcy case.

12. Debtor suggests the disbursing agent retain \$50,000.00 of the funds in the account which should be sufficient to satisfy all outstanding approved professional fees that have yet to be paid.

13. Debtor requests an Order be entered dismissing this Chapter 11 bankruptcy proceeding, reserving \$50,000.00 for payment of approved professional fees and expenses, and directing the disbursing agent to pay the entities listed in paragraph 7, the United States Trustee quarterly fee for the fourth quarter of 2015 in the amount of \$10,400.00 and approximately \$1,625.00 for the first quarter of 2016 United States Trustee quarterly fee with the remaining of monies immediately paid over to the Debtor.

14. The Court is to retain jurisdiction to determine the allowable professional fees and expenses to be paid from the funds being held by the disbursing agent and after said approved fees are paid, the remaining balance disbursed to the Debtor.

WHEREFORE, the Debtor prays that the Court enter an Order dismissing this Chapter 11 case, directing the disbursing agent to pay the claimants as referenced above, and for such further relief as the Court deems just.

ALVION PROPERTIES, INC., DEBTOR

BY: /s/ Douglas A. Antonik
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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing Motion to Dismiss Case was served upon:

Mark Skaggs, U.S. Trustees Office, 401 Main Street, Suite 1100, Peoria, IL 61602

Ziemer, Stayman, Weitzel & Shoulders, LLP, Attn: Nick j. Cirignano, P.O. Box 916, Evansville, IN 47706-0916

Joel A. Kunin, Esq., The Kunin Law Offices, LLC, 1606 Eastport Plaza Drive, Ste. 110, Collinsville, IL 62234-6134

The Coffman Law Firm, Richard Coffman, 505 Orleans, Suite 505, Beaumont, TX 77701

Laura Hughes, Bryan Cave, LLP, One Metropolitan Square, 211 N. Broadway, Suite 3600, St. Louis, MO 63102

Dana Petway, 250 Sandersferry Rd., Condo 29, Hendersonville, TN 37075

David Cox, PO Box 789, Harrisburg, IL 62946

Robinson Smith and Wells, 633 Chestnut St., Ste. 700, Chattanooga, TN 37415

Day and Blair, PC, 5300 Maryland Way, Ste. 300, Brentwood, TN 37020

The Nolte Law Firm, PC, 1427 W Main Street, Richmond, VA 23220-4629

Robert Eggmann, Desai Eggmann Mason LLC, 7733 Forsyth Blvd., Suite 800, St. Louis, MO 63105

Alvion Properties, Inc., 22 S. Main St., Harrisburg, IL 62946

Case Coal, LLC, 207 Lewiston, Grosse Pointe Farms, MI 48236

Don Rishell, 15100 Milagross Dr., Apt 205, Fort Meyers, FL 33908

Pegula Rishell, LLC c/o Don Rishell, 15100 Milagross Dr., Apt 205, Fort Meyers, FL 33908

Shirley Medley, 313 Country Club Lane, Harrisburg, IL 62946

HM Jack Reynolds, PO Box 668, Dunlap, TN 37327

All creditors and interested parties of record

either electronically or by enclosing in an envelope with postage fully prepaid and by depositing said envelope in a U. S. Post Office mail box in Mount Vernon, Illinois, on the 13th day of January, 2016. The above is true and correct to the best of the undersigned's knowledge.

BY /s/ Alisha Finke
Alisha Finke